

From: Michael Townsend
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:20am
Subject: Microsoft Settlement

I am writing to voice my opinion that the Proposed Final Judgement for the United States vs. Microsoft is not an effective remedy for the harm caused by their predatory use of their monopoly. There are several key holes that it leaves for Microsoft to keep the Applications Barrier to Entry as insurmountable as it stands today. I agree with the assessments made by Dan Kegel at <http://www.kegel.com/remedy/remedy2.html>. Some of them that I feel are worth highlighting are the poor definitions used in the Proposed Final Judgement. If definitions are going to be changed from the courts Findings of Fact, they should be altered to cover more in the remedy not less. The changing to the scope of things like API and Middleware to include only a specific list of APIs and applications covered by the remedy, explicitly excludes all others, as well as any changes to the existing ones if they are rebranded and marketed as a "new" product. The second point that I felt should be considered is insuring that all necessary APIs are available so that non-Microsoft operating systems can implement them for interoperability. That should be ALL APIs. The exclusion of the software that deals with Security and Copy Protection is ridiculous. Years of open source software has shown that public review of security interfaces leads to a more secure piece of software. Likewise any use of the knowledge gained by published Copy Protection documentation, if implemented would be in direct violation of the Digital Millennium Copyright act, among other applicable laws. The main effect of keeping these secret is to prevent interoperability on both an application level and a networking level. Since arguably, any interface involves some security implications, this clause alone is an umbrella for obscuring any number of key pieces of protocols specifically marked in the remedy for publication. Another key bit of information that should be disclosed to ensure a fair marketplace for non-Microsoft products is file formats. Keeping these formats incompatible prevents users from switching to a competing product if they wish to continue to use their existing data. Microsoft should also be required to disclose implementation specific information to any public API that they modify to insure interoperability. Some examples of this would be the MS implementations of Kerberos, Java, and many W3C approved web standards. These are some of the weaknesses in the Proposed Final Judgement that I feel need to be addressed if the remedy is truly to be in the public interest.

sincerely,
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